

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON

RAMON OROZCO,

Petitioner,

6:13-cv-00604-CL

v.

REPORT AND  
RECOMMENDATION

UNITED STATES OF  
AMERICA, et al.,

Respondents.

CLARKE, Magistrate Judge.

On April 8, 2013, petitioner filed a pleading captioned "Formal Complaint" (#1). The precise nature of petitioner claims was not at all clear but the court construed the pleading as a claim for habeas corpus relief under 28 U.S.C. § 2241 and directed that petitioner file an amended petition on a form provided by the court as required by Local Rule 295-1 (a).

Petitioner did not file the amended petition within the 30 days allowed by the court's order and was subsequently allowed an

extension of time until June 17, 3013 to file an amended petition. Petitioner was subsequently allowed three additional extensions of time to file an amended petition. By order (#21) entered October 3, 2014, petitioner's petition was due November 20, 2013.

Petitioner has not filed an amended petition or requested an extension of time to do so or otherwise contacted the court since September 23, 2013.

I find that petitioner has abandoned his claims and that this proceeding should be dismissed for failure to prosecute. The Clerk of the Court should be directed to enter a judgment dismissing this proceeding without prejudice.

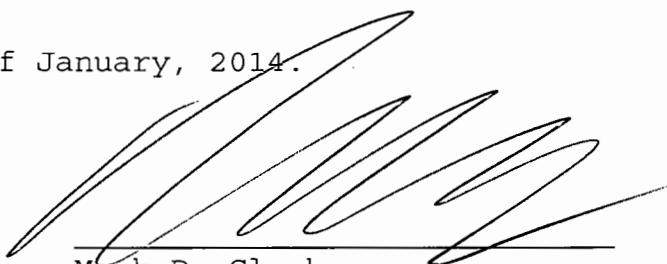
This recommendation is not an order that is immediately appealable to the Ninth Circuit Court of Appeals. Any notice of appeal pursuant to Rule 4(a)(1), Federal Rules of Appellate Procedure, should not be filed until entry of the district court's judgment or appealable order. The parties shall have fourteen (14) days from the date of service of a copy of this recommendation within which to file specific written objections with the court. Thereafter, the parties have fourteen (14) days within which to file a response to the objections. Failure to timely file objections to any factual determination of the Magistrate Judge will be considered a waiver of a party's right to de novo consideration of the factual issues and will constitute a waiver of a party's right to appellate review of the findings of fact in an order or judgment entered pursuant to the Magistrate Judge's

recommendation.

***Certificate of Appealability***

*Should petitioner appeal, a certificate of appealability should be denied as petitioner has not made a substantial showing of the denial of a constitutional right. See, 28 U.S.C. § 2253(c)(2).*

DATED this 20 day of January, 2014.



Mark D. Clarke  
United States Magistrate Judge